IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Bail Appl..No. 1881 of 2007()

CRIME NO.30/2007 OF MALAYINKEEZHU POLICE STATION

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PETITIONER: SECOND ACCUSED

ROBY DAS @ THANKUTTAN, AGED 34 YEARS,
S/O.NATARAJAN, RESIDING AT AYAKKOTTUMELE
VEEDU, KULANGARAKKONAM, PALLICHAL VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR AT HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1881/2007

Dated this 4th day of April, 2007

O R D E R

The petitioner, who is the second accused in Crime No.30/2007 of Malayainkeezhu Police Station for offences punishable under Sections 143, 147 and 308 IPC read with Section 149 IPC, seeks his enlargement on bail. The occurrence took place on 4.2.2007. The petitioner was arrested on 6.2.2007.

2. The learned Public Prosecutor opposed the application submitting inter alia that the present offence was committed by the petitioner violating the bail conditions imposed in a murder case, in which also the petitioner is an accused.

3. The case of the prosecution is that the petitioner along with three others, who were travelling in a Maruthi Car, had attempted to assault a member of the Malayinkeezhu Panchayat and, thereafter, when they sped away the Maruthi Car, Malayinkeezhu police tried to chase the car. Seeing this, when the defacto complainant made an unsuccessful attempt to stop the vehicle the accused persons dashed the car against the defacto complainant who sustained injuries.

4. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated in the case and that it is incredible that the occurrence has alleged to be taken place. In fact the offence was committed violating the bail conditions imposed on the petitioner and others in a murder case. The investigation of the case is still at the crime stage. Having regard to the antecedents of the petitioner and the present stage of the investigation, I am not inclined to grant bail to the petitioner.

The application is accordingly dismissed.

V.RAMKUMAR,
JUDGE

mrcs